

SCHWABERMAN, LUNDBERG, WOESSNER & KLUTZ, P.A.

DECLARATION FOR PATENT APPLICATION

As a below named inventor I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first or joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

COMPUTER CONFIGURATION RESTORE METHOD AND APPARATUS .

The specification of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such claim for priority is being made at this time.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

No such claim for priority is being made at this time.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application.

No such claim for priority is being made at this time.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Patrick H. Tomoson**

Citizenship: **United States of America** Residence: **Dakota City, NE**
Post Office Address: 312 North 18th Street
Dakota City, NE 68731

Signature: Patrick H. Tomoson
Patrick H. Tomoson

Date: Dec. 6. 1999

Full Name of joint inventor number 2 : **James L. Kroening**

Citizenship: **United States of America** Residence: **Dakota Dunes, SD**
Post Office Address: 256 Firethorn Trail
Dakota Dunes, SD 57049

Signature: James L. Kroening
James L. Kroening

Date: 12/06/99

Full Name of inventor:

Citizenship: _____ Residence: _____
Post Office Address: _____

Signature: _____

Date: _____

Full Name of inventor:

Citizenship: _____ Residence: _____
Post Office Address: _____

Signature: _____

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) it refutes, or is inconsistent with, a position the applicant takes in:
 - (i) opposing an argument of unpatentability relied on by the Office, or
 - (ii) asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrick H. Tomoson et al.

Examiner: Unknown

Serial No.: Unknown

Group Art Unit: Unknown

Filed: Herewith

Docket: 450.307US1

Title: COMPUTER CONFIGURATION RESTORE METHOD AND APPARATUS

**POWER OF ATTORNEY BY ASSIGNEE AND
CERTIFICATE BY ASSIGNEE UNDER 37 CFR § 3.73(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Gateway, Inc., assignee of the entire right, title and interest in the above-identified application by assignment attached hereto, hereby appoints the attorney's and agents of the firm of SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A., listed as follows:

Adams, Gregory J. Anglin, J. Michael Bianchi, Timothy E. Billion, Richard E. Black, David W. Brennan, Leoniede M. Brennan, Thomas F. Brooks, Edward J., III Chu, Dinh C.P. Clark, Barbara J. Dahl, John M. Drake, Eduardo E. Eliseeva, Maria M. Embretson, Janet E. Egg, David N. Fordenbacher, Paul J. Forrest, Bradley A. Harris, Robert J.	Reg. No. 44,494 Reg. No. 24,916 Reg. No. 39,610 Reg. No. 32,836 Reg. No. 42,331 Reg. No. 35,832 Reg. No. 35,075 Reg. No. 40,925 Reg. No. 41,676 Reg. No. 38,107 Reg. No. 44,639 Reg. No. 40,594 Reg. No. 43,328 Reg. No. 39,665 Reg. No. 35,138 Reg. No. 42,546 Reg. No. 30,837 Reg. No. 37,346	Huebsch, Joseph C. Jurkovich, Patti J. Kalis, Janal M. Kaufmann, John D. Klima-Silberg, Catherine I. Kluth, Daniel J. Lacy, Rodney L. Leffert, Thomas W. Lemaire, Charles A. Litman, Mark A. Lundberg, Steven W. Mack, Lisa K. Maki, Peter C. Malen, Peter L. Mates, Robert E. McCrackin, Ann M. Nama, Kash	Reg. No. 42,673 Reg. No. 44,813 Reg. No. 37,650 Reg. No. 24,017 Reg. No. 40,052 Reg. No. 32,146 Reg. No. 41,136 Reg. No. 40,697 Reg. No. 36,198 Reg. No. 26,390 Reg. No. 30,568 Reg. No. 42,825 Reg. No. 42,832 Reg. No. 44,894 Reg. No. 35,271 Reg. No. 42,858 Reg. No. 44,255	Nelson, Albin J. Nielsen, Walter W. Oh, Allen J. Padys, Danny J. Parker, J. Kevin Peacock, Gregg A. Perdok, Monique M. Polglaze, Daniel J. Prout, William F. Schumann, Sherry W. Schwegman, Micheal L. Slifer, Russell D. Smith, Michael G. Steffey, Charles E. Terry, Kathleen R. Viksnins, Ann S. Woessner, Warren D.	Reg. No. 28,650 Reg. No. 25,539 Reg. No. 42,047 Reg. No. 35,635 Reg. No. 33,024 Reg. No. 45,001 Reg. No. 42,989 Reg. No. 39,801 Reg. No. 33,995 Reg. No. 39,422 Reg. No. 25,816 Reg. No. 39,838 Reg. No. P-45,368 Reg. No. 25,179 Reg. No. 31,884 Reg. No. 37,748 Reg. No. 30,440
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and also attorneys Anthony Claiborne (Reg. No. 39,636), Joseph H. Lee (Reg. No. 37,664) and Mark S. Walker (Reg. No. 30,669) of Gateway, Inc., as its attorneys with full power of substitution to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith.

The assignee certifies that the above identified assignment has been reviewed and to the best of the assignee's knowledge and belief, title is in the assignee.

Please direct all correspondence regarding this application to the following:

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Dated: 12/7/99

GATEWAY, INC.

By: Randall D. Harvey

Name: Randall D. HARVEY

Title: Asst. Treasurer